IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10505 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SANJAYKUMAR HARGOVINDBHAI PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 10505 of 2003

MR ASIT B JOSHI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 17/09/2003

ORAL JUDGEMENT

The petitioner has already paid a sum of Rs. 2,500/- to respondent No. 1 as per direction given by

this court in Special Civil Application No. 8416 of 2003 on 17.7.2003. In the circumstances, this petition is being entertained by this court.

2. Rule. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

3. The case of the petitioner is that the petitioner wanted to get his date of birth and place of birth changed in his passport and, therefore, has given an application alongwith the relevant documents, but the said application is not being entertained by the respondent. It has been submitted by learned advocate Shri Joshi appearing for the petitioner that the petitioner was issued passport bearing No. A 0441077, wherein his date of birth has been recorded as 6.7.1979 and place of birth has been recorded as Boru, taluka Vijapur, Dist. Mehsana, but the said passport was lost and, therefore, he has already submitted another application for passport on 28.9.2001.

4. It is the case of the petitioner that his date of birth and place of birth recorded in the passport which is lost are not correct because in fact the petitioner was born on 6.12.1979 at Kharna, taluka Gomaria, Dist. Mehsana. In view of the said fact, the petitioner wants the correct date of birth and place of birth to be recorded in the new passport, which might be issued to him.

5. The petitioner has, therefore, prayed that the respondent authority be directed to issue a new passport with the correct date of birth and place of birth of the petitioner as shown in the birth certificate.

6. Learned advocate Shri N.J. Shah appearing for the respondent authority has submitted that only on the basis of material given by the petitoner, his date of birth was recorded as 6.7.1979 and the place of birth was recorded as Boru. A new passport will be issued to the petitioner showing correct details if the passport authority is satisfied with the genuineness of the data to be corrected.

7. I have heard the learned advocates. Looking to the facts of the case, the respondent is directed to look into the application dated 28.9.2001 submitted by the petitioner and the evidence adduced by the petiitoner in support of his case. The respondent shall take

appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order thereafter.

8. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs. This amount of costs would be in addition to the amount of Rs. 2,500/-, which the petitioner has already paid to the respondent authority as per the order passed by this court at an earlier point of time.

9. It is hoped that the respondent authority shall scrutinize the application and shall take appropriate action as soon as possible.

The petition is allowed. Rule is made absolute.
D.S. permitted.

(A.R. Dave, J.)
(hn)